REMARKS

Status of Claims

Claims 1, 7-8, 10, 13, 15-16, 18, 20, 22-26, 29-30 and 32-33 have been amended. Claims 11-12, and 31 have been canceled. Claims 1-10, 13-30 and 32-35 are pending in the case.

Amendments to the Specification

Applicant has amended the Specification to correct typographical errors. Applicant respectfully requests that these amendments be entered.

Consideration of February 2001, May 2002, and February 2003 Information Disclosure Statements

Applicant respectfully acknowledges receipt of the initialed 1449 Forms for IDSs mailed September 3, 2002, and September 12, 2002.

Applicant did not, however, receive initialed 1449 Forms for the IDSs mailed February 1, 2001 (A1-A13), May 10, 2002 (A14-17), and February 27, 2003 (A27). For the Examiner's convenience, copies of the 1449 Forms for these three IDSs are enclosed, along with the returned postcard showing receipt by the Patent Office. Applicant respectfully requests, therefore, an indication that the references submitted in these three IDSs were considered.

Rejection of Claims 1-35 under §112

Claims 1-35 were rejected under §112 for lack of enablement and as being indefinite. In particular, the Office Action asserted that the term "dynamic payment identifier" was not adequately described in the specification and that pre-approval processing and post-transaction review were confusing within the specification. Applicant respectfully traverses these rejections.

The term "dynamic" with respect to payment identifiers and payment cards helps to distinguish them from traditional prior art payment cards, such as purchasing cards and stored value cards, which existed prior to the filing of the current Application. As discussed in the first full paragraph on Page 13 of the application, traditional purchasing cards utilized static rules for transaction authorization. Once set-up with these static rules, these purchasing cards could be used by someone to make improper purchases, and companies had little or no leverage to help ensure proper use of purchasing cards. As discussed in the second full paragraph on Page 13, traditional stored value cards were loaded with a particular amount of money. Once in the hand of the user, therefore, the user could use the card to make

improper purchases. As long as the money loaded onto that card had not been used up, the transaction would be authorized by the card processing system. Thus, stored value cards failed to provide adequate safeguards and control for efficient purchasing management.

In contrast, as explained for example in the first paragraph of Page 14, the payment identifier or card of the present invention in part reflects a dynamic, transaction-based system. According to the present invention, approval parameters for the payment card are based upon approved purchase requests, and these approval parameters can include a variety of transaction parameters such as merchant, transaction amount, timeframe or any other desired parameter. These approval parameters are dynamic, therefore, because unlike the static rules for traditional purchasing cards, these dynamic approval parameters relate to approved purchase requests and are dynamically stored and/or associated with respect to the payment identifier. Thus, when a user of the payment card or identifier attempts to make a purchase with the payment card, the card processing system looks to the dynamically stored approval parameters to determine whether the purchase is to be authorized. As such, a transaction-based, pre-approval solution is provided that gives a company significant control over what spending power is enabled for a given payment identifier or card. As discussed on Page 18, the dynamic payment identifier can take a variety of forms, including implementation as a payment card. And as further described on Pages 14-16, the control provided to companies by the present invention can be implemented as part of a computerized purchasing management system. Further descriptions for approval parameters, payment identifiers/cards, and associated processing systems for the dynamic solution of the present invention, as well as comparison to prior static systems, can be found throughout the Specification. Examples include, but are not limited to, the following:

- Page 12, line 10, to Page 14, line 11 (static/dynamic discussion)
- Page 15, line 4, to Page 16, line 5 (example advantages)
- Page 18, lines 4-15 (discussion of dynamic payment identifier/card)
- Page 19, line 11, to Page 21, line 10 (example system operation)
- Page 23, line 4, to Page 25, line 9 (example process flow for dynamic approval parameters dynamically stored with respect to dynamic payment identifiers)
- Page 29, line 14, to Page 30, line 6 (example advantages for dynamic payment cards)

In short, Applicant respectfully asserts that the term "dynamic payment identifier" is fully described and explained in the context of the current Specification. Applicant respectfully asserts, therefore, that the claims are fully enabled by the current Application.

To clarify the claimed invention, however, and to alleviate the concern in the Office Action of the clarity of the use of the term "dynamic payment identifier," the claims have been amended to simply refer to a "payment identifier" and to clarify the dynamic nature of the approval parameters and transaction processing.

With respect to pre-approval processing and post-transaction review processing, the concern expressed in the Office Action about the level of description provided is not understood. For example, as explained in the Specification at Pages 28-31 with respect to the example process flow in FIG. 4, the processing occurs in several basic steps: pre-approval processing, transaction processing, and post-transaction review processing. Initially, in the pre-approval processing stage, the purchasing management system analyzes a purchase request using defined company purchasing rules. If the system determines that the request falls within those rules, the request is approved, and a set of approval parameters are dynamically associated with the payment card that will be used for the purchase (if this will be the method of payment). This pre-approval processing, therefore, relates to the processing done to determine if a purchase request will be approved. Next, the transaction processing occurs. The payment card is utilized for the transaction, and the transaction is authorized by the card processing system if the transaction details are allowed by the dynamic approval parameters. The vendor then charges the card, and the transaction is completed. The details of this transaction can then be sent to a company's accounting system in a variety of ways for post-transaction processing. This post-transaction processing can include analysis of card balances, reconciliation of purchases versus purchase requests, or other post-transaction reviews that may be desired by a company. In short, the Specification clearly describes a system that can include pre-transaction approval processing, transaction processing, and post-transaction review processing, and there is nothing inconsistent about these different processing steps being described in the current Specification as part of an overall purchasing management system.

Based upon the above arguments, therefore, Applicant respectfully asserts that the claims meet the requirements of §112. Withdrawal of the §112 rejections is respectfully requested.

Rejection of Claims 1 and 22 under §101

The Office Action rejected claims 1 and 22 under §101 as being directed to non-patentable subject matter in that claims 1 and 22 lack a recitation of technology.

Although Applicant disagrees with this rejection, Applicant has nevertheless amended the claims 1 and 22 to more clearly recite technological limitations. The body of claim 1 now more clearly requires "one or more server systems," and the body of claim 22 now more clearly requires "server systems." In addition, the requirements of electronic representations for the purchase requests are more clearly set forth in the claims. As such, claims 1 and 22 are now more clearly directed to the technological arts.

Applicant respectfully asserts that claims 1 and 22 meet the subject matter requirements of §101. Withdrawal of the §101 rejections to claims 1 and 22 is, therefore, respectfully requested.

"Common Sense" Obviousness Argument

The Office Action asserts on Page 4 that the invention would have been obvious to one of skill in the art based upon "common sense" applied to existing systems. This "common sense" obviousness argument is insufficient alone to support an obviousness rejection, and this assertion appears to be based upon a lack of understanding concerning the nature of the claimed invention. As discussed above, prior purchasing and stored value cards utilized static mechanisms that did not provide companies sufficient control over the use of those cards. The present invention, in contrast, utilizes sets of approval parameters that are dynamically associated with payment identifiers/cards and that are based upon approved purchase requests that have been analyzed utilizing company purchasing policies. Thus, the purchasing management system and related methods of the present invention provide significantly improved company control over the use of payment cards. Applicant respectfully asserts, therefore, that the pending claims are not obvious in view of existing systems.

In addition, Applicant has included a copy of the International Preliminary Examination Report (IPER) where novelty, inventive step and industrial applicability were found to exist for claims in a related PCT Application (PCT/US01/51418). Although the claims in this PCT Application are more similar to those in the later filed CIP application indicated below, the initial patentability conclusions of the foreign Examiner help undermine the reasoning in the Office Action that "common sense" alone is enough to support an obviousness rejection with respect to the claimed subject matter in the current Application. It is noted that PCT Application PCT/US01/51418 claims priority in part to the current Application and is similar in subject matter to Application Serial Number 10/083,445 (the '445 Application), which is entitled "DYNAMIC PAYMENT CARDS AND RELATED MANAGEMENT SYSTEMS AND ASSOCIATED METHODS," and which is a continuation-in-part (CIP) application of the current Application. Also included with the IPER is a copy of a recent EP Examination Report for

the EP nationalized case of PCT/US01/51418 where the EP Examiner indicates in paragraph 2 that the PCT claims would be novel and inventive, if certain EP requirements were met.

Withdrawal of the "common sense" based obviousness rejection to the claims is respectfully requested. And if an obviousness rejection is to be maintained, Applicant respectfully requests that appropriate prior art references be identified to support such a rejection.

Conclusion

Applicant respectfully asserts that the pending claims are in condition for allowance. Reconsideration of the application is respectfully requested.

The Examiner is invited to contact the undersigned at the phone number indicated below with any questions or comments or to otherwise facilitate expeditious and compact prosecution of the application.

Respectfully submitted,

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